



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

OCT 13 2004

DOT-E 13581

EXPIRATION DATE: August 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Bengal Products, Inc.
Baton Rouge, LA
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of insecticide aerosol fogger in non-DOT specification non-refillable inside containers. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.301(c) in that the requirement to mark the exemption number on each container is waived, and §§ 173.306(a)(3) and 173.306(h) in that the prescribed packaging is not authorized, except as specified herein.
5. BASIS: This exemption is based on the application of Bengal Products, Inc. dated April 29, 2004, submitted in accordance with § 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR § 172.101): **OCT 13 2004**

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Aerosols, nonflammable (each not exceeding 1 L capacity)	2.2	UN1950	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are non-DOT specification, non-refillable inside metal containers manufactured by United States Can Company. The containers must meet all manufacturing, testing, and marking requirements of DOT-E 12573. The requirement to mark "DOT-E 13581" on each container is waived.

b. OPERATIONAL CONTROLS -

(1) Each container must be filled to no more than 6.5 ounces (184.3 grams) by weight of materials that meet the definition of an aerosol (see § 171.8). The amount of liquid in each container may not exceed 80% of its volumetric capacity.

(2) Containers must be shipped in strong outside packagings in accordance with § 173.301(a)(9). No more than 18 containers may be shipped in each outside packaging.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modification or change is made to the package or its contents and it is reoffered for transportation in conformance with this exemption and the HMR.

b. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

OCT 13 2004

c. Marking -

(i) Outside packagings are not required to be marked "DOT-E 12573".

(ii) Each outside packaging must be marked "DOT-E 13581".

d. Containers filled with a material meeting the definition of a "Consumer commodity" in § 171.8 may be reclassified as ORM-D and shipped as "Consumer commodity" in accordance with § 173.306(h).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel and cargo aircraft only.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each aircraft used to transport packages covered by this exemption. The shipper must furnish a copy of this exemption to the air carrier before or at the time the shipment is tendered.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

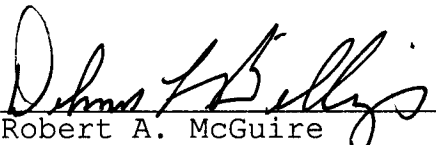
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

for 
Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

OCT 13 2004

Date

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.
Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: cwf:dl